

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 25TH OCTOBER 2001

DISPOSAL OF ASH

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To advise the Council of a proposal by the Scottish Executive Environment Rural Affairs Department to dispose of ash at Garlaff Landfill Site Cumnock and to request the Council to consider its position on the matter .

2. DISCUSSION

- 2.1 During the Foot and Mouth Disease outbreak in Dumfries and Galloway and Scottish Borders, three continuous incinerators were established in these areas to dispose of sheep and cattle which had been culled as part of the disease control measures. This process, which was an alternative to on farm incineration, has produced approximately two thousand tonnes of ash which now requires to be disposed of.
- 2.2 In late August, a letter was received from the Scottish Executive, Environment and Rural Affairs Department (SERAD) indicating that arrangements had been made to transport this waste to Garlaff Landfill Site at Cumnock which is operated by Barr Ltd. This proposed arrangement was based on the fact that Garlaff was the nearest engineered i.e. lined and sealed landfill site to the infected area of Dumfries and Galloway and Scottish Borders.
- 2.3 The correspondence also indicated that consultation on the proposal had taken place with the Department of Health, the Environment Agency, the Scottish Environment Protection Agency and the Spongiform Encephalopathy Advisory Committee. The latter Committee are of particular importance since the risks associated with the disposal of ash relate to the transmission of Bovine Spongiform Encephalopathy (BSE) and its variants rather than Foot and Mouth Disease. Accordingly the disposal of the ash require strict procedures for handling and transportation .
- 2.4 Disposal was due to commence in early September but an immediate objection was lodged indicating that since SERAD could not give an assurance that there were no risks associated with the material the proposal was unacceptable. This objection was based on the fact that due to the nature of the continuous incinerator guarantees could not be

given that the temperature of the incinerator reached 1000° centigrade which is the temperature required to kill the BSE prion. The objection lodged reflects local public concern that material containing any risk whatsoever should not be brought into East Ayrshire but contained within the original infected area.

- 2.5 SERAD subsequently agreed that there was a remote chance that the ash could contain BSE prions but suggested that since only 13 cases of BSE were confirmed in cattle in Dumfries and Galloway and Scottish Borders in 2000 the risk is minimal.
- 2.6 It was suggested to SERAD that it would more appropriate to dispose of the ash in the Dumfries and Galloway or Scottish Border area, since this was the infected area during the Foot and Mouth outbreak, either by creating disposal cells at the sites of the continuous incinerators or in existing landfill sites. This suggestion was however rejected because it was claimed that none of the existing landfill sites are engineered and that the creation of disposal cells would require planning consent and a Waste Management Licence which would take a minimum of three months to obtain. This was not therefore considered by the Scottish Executive to be a valid option since for a variety of reasons the ash had to be removed from the site at Eastriggs and Crook Knowes as a matter of urgency, although it should have been reasonably foreseen when the incinerators were created earlier in the year.
- 2.7 The possibility of transporting the waste to an engineered site at Carlisle had been rejected on the grounds that SERAD felt that waste arising from the Foot and Mouth outbreak in Scotland should remain in Scotland and vice-versa. This is of course parallel to the position taken in relation to the exporting of waste from Dumfries and Galloway and Scottish Borders into East Ayrshire.
- 2.8 The local MSP has been kept fully informed on the Council's position and the Leader of the Council has written to the First Minister, Henry McLeish, and the Agriculture Minister Ross Finnie re-iterating the Council's objection to the proposal.

3. POLICY IMPLICATIONS

- 3.1 Protection and conservation of the environment and prevention of pollution are the principal objectives of the Council's Environmental Strategy.

4. FINANCIAL IMPLICATIONS

- 4.1 T here are no financial implications arising directly from this report.

5. LEGAL AUTHORITY

5.1 In so far as legislative powers are concerned the relevant legislation is the Environmental Protection Act 1990. The ash is considered to be "controlled waste" as defined by the Act. The site proposed for the disposal of the ash already has full planning consent and a relevant Waste Management Licence. Nevertheless Barr Ltd had indicated that they were unwilling for the ash to be tipped on their site if the Council had not given their approval. However under Section 57 of the Act the Scottish Executive have powers to issue a direction specifying dates, times and places where the waste can be deposited and therefore the objections of the Council and for that matter the concerns of the site operator can be overcome by the use of a Direction. The Scottish Executive have indicated that they will exercise this power if necessary.

6. CONCLUSION

6.1 The above information briefly summarises the current position on the Scottish Executive proposal to deposit waste from continuous incinerators in Scottish Borders and Dumfries and Galloway in Garlaff Landfill Site, Cumnock and the Council are requested to consider their position on the issue.

7. RECOMMENDATIONS

7.1 It is recommended that the Council:-

- i) Consider their position in relation to the Scottish Executive proposal;
- ii) Remit to the Director of Community Services to advise the Scottish Executive accordingly; and
- iii) otherwise note the report.

William Stafford
Director of Community Services
WS/SAM
24 October 2001

LIST OF BACKGROUND PAPERS

1. Correspondence with Scottish Executive

Any person wishing to view the background papers above should telephone 01563 576023 and ask for William Stafford, Director of Community Services.

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